

property or other material support, services, intelligence sharing, law enforcement cooperation, the training or detail of personnel, and the arrest or detention of individuals.

(Pub. L. 107–206, title II, § 2013, Aug. 2, 2002, 116 Stat. 907; Pub. L. 109–364, div. A, title XII, § 1222, Oct. 17, 2006, 120 Stat. 2423; Pub. L. 110–181, div. A, title XII, § 1212(b)(2), Jan. 28, 2008, 122 Stat. 371.)

REFERENCES IN TEXT

Executive Order 12958, referred to in par. (2), is set out as a note under section 435 of Title 50, War and National Defense.

AMENDMENTS

2008—Par. (13). Pub. L. 110–181 struck out par. (13) which defined “United States military assistance”.

2006—Par. (13)(A). Pub. L. 109–364 struck out “or 5” before “of part II”.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7433. Assistance to international efforts

Nothing in this subchapter shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

(Pub. L. 107–206, title II, § 2015, Aug. 2, 2002, 116 Stat. 909.)

CHAPTER 82—AFGHANISTAN FREEDOM SUPPORT

Sec.
7501. Definition.

SUBCHAPTER I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

7511. Declaration of policy.
7512. Purposes of assistance.
7513. Authorization of assistance.
7514. Coordination of assistance.
7515. Sense of Congress regarding promoting cooperation in opium producing areas.
7516. Administrative provisions.
7517. Relationship to other authority.
7518. Authorization of appropriations.

SUBCHAPTER II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

7531. Support for security during transition in Afghanistan.
7532. Authorization of assistance.
7533. Eligible foreign countries and eligible international organizations.
7534. Reimbursement for assistance.
7535. Congressional notification requirements.
7536. Promoting secure delivery of humanitarian and other assistance in Afghanistan and expansion of the International Security Assistance Force.
7536a. Sense of Congress and report regarding counter-drug efforts in Afghanistan.
7537. Relationship to other authority.

Sec.
7538. Sunset.

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

7551. Requirement to comply with procedures relating to the prohibition on assistance to drug traffickers.
7552. Sense of Congress regarding protecting Afghanistan’s President.
7553. Donor contributions to Afghanistan and reports.
7554. Reports.
7555. Formulation of long-term strategy for Afghanistan.

§ 7501. Definition

In this chapter, the term “Government of Afghanistan” includes—

- (1) the government of any political subdivision of Afghanistan; and
- (2) any agency or instrumentality of the Government of Afghanistan.

(Pub. L. 107–327, § 1(c), Dec. 4, 2002, 116 Stat. 2797.)

SHORT TITLE OF 2004 AMENDMENT

Pub. L. 108–458, title VII, § 7104(a), Dec. 17, 2004, 118 Stat. 3780, provided that: “This section [enacting sections 7536a and 7555 of this title, amending sections 7513, 7514, 7518, 7536, 7537, 7538, and 7554 of this title, repealing section 2374 of this title, and enacting provisions set out as notes under sections 7511, 7513, 7514, and 7536 of this title] may be cited as the ‘Afghanistan Freedom Support Act Amendments of 2004’.”

SHORT TITLE

Pub. L. 107–327, § 1(a), Dec. 4, 2002, 116 Stat. 2797, provided that: “This Act [enacting this chapter] may be cited as the ‘Afghanistan Freedom Support Act of 2002’.”

SUBCHAPTER I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

§ 7511. Declaration of policy

Congress makes the following declarations:

(1) The United States and the international community should support efforts that advance the development of democratic civil authorities and institutions in Afghanistan and the establishment of a new broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.

(2) The United States, in particular, should provide its expertise to meet immediate humanitarian and refugee needs, fight the production and flow of illicit narcotics, and aid in the reconstruction of Afghanistan.

(3) By promoting peace and security in Afghanistan and preventing a return to conflict, the United States and the international community can help ensure that Afghanistan does not again become a source for international terrorism.

(4) The United States should support the objectives agreed to on December 5, 2001, in Bonn, Germany, regarding the provisional arrangement for Afghanistan as it moves toward the establishment of permanent institutions and, in particular, should work intensively toward ensuring the future neutrality of Afghanistan, establishing the principle that neighboring countries and other countries in the region

do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal.

(5) The special emergency situation in Afghanistan, which from the perspective of the American people combines security, humanitarian, political, law enforcement, and development imperatives, requires that the President should receive maximum flexibility in designing, coordinating, and administering efforts with respect to assistance for Afghanistan and that a temporary special program of such assistance should be established for this purpose.

(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in the broader Central Asia region.

(Pub. L. 107-327, title I, §101, Dec. 4, 2002, 116 Stat. 2798.)

STRATEGY FOR THE UNITED STATES RELATIONSHIP
WITH AFGHANISTAN

Pub. L. 110-53, title XX, §2041, Aug. 3, 2007, 121 Stat. 518, provided that:

“(a) CONGRESSIONAL FINDINGS.—Congress finds the following:

“(1) A democratic, stable, and prosperous Afghanistan is vital to the national security of the United States and to combating international terrorism.

“(2) Following the ouster of the Taliban regime in 2001, the Government of Afghanistan, with assistance from the United States and the international community, has achieved some notable successes, including—

“(A) adopting a constitution;

“(B) holding presidential, parliamentary, and provincial council elections;

“(C) improving the protection of human rights, including women's rights; and

“(D) expanding educational opportunities.

“(3) The following factors pose a serious and immediate threat to the stability of Afghanistan:

“(A) Taliban and anti-government forces, al Qaeda, and criminal networks.

“(B) Drug trafficking and corruption.

“(C) Weak institutions of administration, security, and justice, including pervasive lack of the rule of law.

“(D) Poverty, unemployment, and lack of provision of basic services.

“(4) The United States and the international community must significantly increase political, economic, and military support to Afghanistan to ensure its long-term stability and prosperity, and to deny violent extremist groups such as al Qaeda sanctuary in Afghanistan.

“(b) STATEMENTS OF POLICY.—The following shall be the policies of the United States:

“(1) The United States shall vigorously support the people and Government of Afghanistan as they continue to commit to the path toward a government representing and protecting the rights of all Afghans, and shall maintain its long-term commitment to the people of Afghanistan by increased assistance and the continued deployment of United States troops in Afghanistan as long as the Government of Afghanistan supports such United States involvement.

“(2) In order to reduce the ability of the Taliban and al Qaeda to finance their operations through the opium trade, the President shall engage aggressively with the Government of Afghanistan, countries in the

region or otherwise influenced by the trade and transit of narcotics, as well as North Atlantic Treaty Organization (NATO) partners of the United States, and in consultation with Congress, to assess the success of the current Afghan counter-narcotics strategy and to explore additional options for addressing the narcotics crisis in Afghanistan, including possible changes in rules of engagement for NATO and Coalition forces for participation in actions against narcotics trafficking and kingpins, and the provision of comprehensive assistance to farmers who rely on opium for their livelihood, including through the promotion of alternative crops and livelihoods.

“(3) The United States shall continue to work with and provide assistance to the Government of Afghanistan to strengthen local and national government institutions and the rule of law, including the training of judges and prosecutors, and to train and equip the Afghan National Security Forces.

“(4) The United States shall continue to call on NATO members participating in operations in Afghanistan to meet their commitments to provide forces and equipment, and to lift restrictions on how such forces can be deployed.

“(5) The United States shall continue to foster greater understanding and cooperation between the Governments of Afghanistan and Pakistan by taking the following actions:

“(A) Facilitating greater communication, including through official mechanisms such as the Tripartite Commission and the Joint Intelligence Operations Center, and by promoting other forms of exchange between the parliaments and civil society of the two countries.

“(B) Urging the Government of Afghanistan to enter into a political dialogue with Pakistan with respect to all issues relating to the border between the two countries, with the aim of establishing a mutually-recognized and monitored border, open to human and economic exchange, and with both countries fully responsible for border security.

“(c) STATEMENT OF CONGRESS.—Congress strongly urges that the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) be reauthorized and updated to take into account new developments in Afghanistan and in the region so as to demonstrate the continued support by the United States for the people and Government of Afghanistan.

“(d) EMERGENCY INCREASE IN EFFECTIVE POLICE TRAINING AND POLICING OPERATIONS.—

“(1) CONGRESSIONAL FINDING.—Congress finds that police training programs in Afghanistan have achieved far less return on substantial investment to date and require a substantive review and justification of the means and purposes of such assistance, consequent to any provision of additional resources.

“(2) ASSISTANCE AUTHORIZED.—The President shall make increased efforts, on an urgent basis, to—

“(A) dramatically improve the capability and effectiveness of United States and international police trainers, mentors, and police personnel for police training programs in Afghanistan, as well as develop a pretraining screening program;

“(B) increase the numbers of such trainers, mentors, and personnel only if such increase is determined to improve the performance and capabilities of the Afghanistan civil security forces; and

“(C) assist the Government of Afghanistan, in conjunction with the Afghanistan civil security forces and their leadership, in addressing the corruption crisis that is threatening to undermine Afghanistan's future.

“(3) REPORT.—Not later than 180 days after the date of the enactment of this Act [Aug. 3, 2007], and every 6 months thereafter until September 30, 2010, the President shall transmit to the appropriate congressional committees a report on United States efforts to fulfill the requirements of this subsection. The report required by this paragraph may be transmitted concurrently with any similar report required by the

Afghanistan Freedom Support Act of 2002 [22 U.S.C. 7501 et seq.].”

[For definition of “appropriate congressional committees” as used in section 2041 of Pub. L. 110-53, set out above, see section 2002 of Pub. L. 110-53, set out as a note under section 2151 of this title.]

[For assignment of functions of President under section 2041(d)(3) of Pub. L. 110-53, set out above, see Memorandum of President of the United States, Sept. 28, 2007, 72 F.R. 56871, set out as a note under section 2228 of this title.]

COORDINATION OF ASSISTANCE

Pub. L. 108-458, title VII, §7104(b), Dec. 17, 2004, 118 Stat. 3780, provided that:

“(1) FINDINGS.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

“(A) The United States and its allies in the international community have made progress in promoting economic and political reform within Afghanistan, including the establishment of a central government with a democratic constitution, a new currency, and a new army, the increase of personal freedom, and the elevation of the standard of living of many Afghans.

“(B) A number of significant obstacles must be overcome if Afghanistan is to become a secure and prosperous democracy, and such a transition depends in particular upon—

- “(i) improving security throughout the country;
- “(ii) disarming and demobilizing militias;
- “(iii) curtailing the rule of the warlords;
- “(iv) promoting equitable economic development;
- “(v) protecting the human rights of the people of Afghanistan;
- “(vi) continuing to hold elections for public officials; and
- “(vii) ending the cultivation, production, and trafficking of narcotics.

“(C) The United States and the international community must make a long-term commitment to addressing the unstable security situation in Afghanistan and the burgeoning narcotics trade, endemic poverty, and other serious problems in Afghanistan in order to prevent that country from relapsing into a sanctuary for international terrorism.

“(2) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should take, with respect to Afghanistan, the following actions:

“(A) Work with other nations to obtain long-term security, political, and financial commitments and fulfillment of pledges to the Government of Afghanistan to accomplish the objectives of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.), especially to ensure a secure, democratic, and prosperous Afghanistan that respects the rights of its citizens and is free of international terrorist organizations.

“(B) Use the voice and vote of the United States in relevant international organizations, including the North Atlantic Treaty Organization and the United Nations Security Council, to strengthen international commitments to assist the Government of Afghanistan in enhancing security, building national police and military forces, increasing counter-narcotics efforts, and expanding infrastructure and public services throughout the country.

“(C) Take appropriate steps to increase the assistance provided under programs of the Department of State and the United States Agency for International Development throughout Afghanistan and to increase the number of personnel of those agencies in Afghanistan as necessary to support the increased assistance.”

DECLARATIONS OF GENERAL POLICY

Pub. L. 108-458, title VII, §7104(e)(2), Dec. 17, 2004, 118 Stat. 3782, provided that: “Congress makes the following declarations:

“(A) The United States reaffirms the support that it and other countries expressed for the report entitled ‘Securing Afghanistan’s Future’ in their Berlin Declaration of April 2004. The United States should help enable the growth needed to create an economically sustainable Afghanistan capable of the poverty reduction and social development foreseen in the report.

“(B) The United States supports the parliamentary elections to be held in Afghanistan by April 2005 and will help ensure that such elections are not undermined, including by warlords or narcotics traffickers.

“(C) The United States continues to urge North Atlantic Treaty Organization members and other friendly countries to make much greater military contributions toward securing the peace in Afghanistan.”

§ 7512. Purposes of assistance

The purposes of assistance authorized by this subchapter are—

(1) to help assure the security of the United States and the world by reducing or eliminating the likelihood of violence against United States or allied forces in Afghanistan and to reduce the chance that Afghanistan will again be a source of international terrorism;

(2) to support the continued efforts of the United States and the international community to address the humanitarian crisis in Afghanistan and among Afghan refugees in neighboring countries;

(3) to fight the production and flow of illicit narcotics, to control the flow of precursor chemicals used in the production of heroin, and to enhance and bolster the capacities of Afghan governmental authorities to control poppy cultivation and related activities;

(4) to help achieve a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan that is freely chosen by the people of Afghanistan and that respects the human rights of all Afghans, particularly women, including authorizing assistance for the rehabilitation and reconstruction of Afghanistan with a particular emphasis on meeting the educational, health, and sustenance needs of women and children to better enable their full participation in Afghan societies;

(5) to support the Government of Afghanistan in its development of the capacity to facilitate, organize, develop, and implement projects and activities that meet the needs of the Afghan people;

(6) to foster the participation of civil society in the establishment of the new Afghan government in order to achieve a broad-based, multi-ethnic, gender-sensitive, fully representative government freely chosen by the Afghan people, without prejudice to any decisions which may be freely taken by the Afghan people about the precise form in which their government is to be organized in the future;

(7) to support the reconstruction of Afghanistan through, among other things, programs that create jobs, facilitate clearance of landmines, and rebuild the agriculture sector, the health care system, and the educational system of Afghanistan;

(8) to provide resources to the Ministry for Women’s Affairs of Afghanistan to carry out its responsibilities for legal advocacy, edu-

cation, vocational training, and women's health programs; and

(9) to foster the growth of a pluralistic society that promotes and respects religious freedom.

(Pub. L. 107-327, title I, §102, Dec. 4, 2002, 116 Stat. 2798.)

§ 7513. Authorization of assistance

(a) In general

Notwithstanding any other provision of law, the President is authorized to provide assistance for Afghanistan for the following activities:

(1) Urgent humanitarian needs

To assist in meeting the urgent humanitarian needs of the people of Afghanistan, including assistance such as—

(A) emergency food, shelter, and medical assistance;

(B) clean drinking water and sanitation;

(C) preventative health care, including childhood vaccination, therapeutic feeding, maternal child health services, and infectious diseases surveillance and treatment;

(D) family tracing and reunification services; and

(E) clearance of landmines and other unexploded ordnance.¹

(2) Repatriation and resettlement of refugees and internally displaced persons

To assist refugees and internally displaced persons as they return to their home communities in Afghanistan and to support their reintegration into those communities, including assistance such as—

(A) assistance identified in paragraph (1);

(B) assistance to communities, including those in neighboring countries, that have taken in large numbers of refugees in order to rehabilitate or expand social, health, and educational services that may have suffered as a result of the influx of large numbers of refugees;

(C) assistance to international organizations and host governments in maintaining security by screening refugees to ensure the exclusion of armed combatants, members of foreign terrorist organizations, and other individuals not eligible for economic assistance from the United States; and

(D) assistance for voluntary refugee repatriation and reintegration inside Afghanistan and continued assistance to those refugees who are unable or unwilling to return, and humanitarian assistance to internally displaced persons, including those persons who need assistance to return to their homes, through the United Nations High Commissioner for Refugees and other organizations charged with providing such assistance.

(3) Counternarcotics efforts

(A) To assist in the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan and

the region, with particular emphasis on assistance to—

(i) eradicate opium poppy, promote alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers, purchase nonopium products from farmers in opium-growing areas, quick-impact public works programs to divert labor from narcotics production, develop projects directed specifically at narcotics production, processing, or trafficking areas to provide incentives to cooperation in narcotics suppression activities, and related programs;

(ii) establish or provide assistance to one or more entities within the Government of Afghanistan, including the Afghan State High Commission for Drug Control, and to provide training and equipment for the entities, to help enforce counternarcotics laws in Afghanistan and limit illicit narcotics growth, production, and trafficking in Afghanistan, and to create special counternarcotics courts, prosecutors, and places of incarceration;

(iii) train and provide equipment for customs, police, and other border control entities in Afghanistan and the region relating to illicit narcotics interdiction and relating to precursor chemical controls and interdiction to help disrupt heroin production in Afghanistan and the region, in particular, notwithstanding section 2420 of this title, by providing non-lethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2005 through 2008, for salaries for special counternarcotics police and supporting units;

(iv) continue the annual opium crop survey and strategic studies on opium crop planting and farming in Afghanistan;

(v) reduce demand for illicit narcotics among the people of Afghanistan, including refugees returning to Afghanistan; and

(vi) assist the Afghan National Army with respect to any of the activities under this paragraph.

(B) For each of the fiscal years 2003 through 2006, \$15,000,000 is authorized to be appropriated to the President to be made available for a contribution to the United Nations Drug Control Program for the purpose of carrying out activities described in clauses (i) through (v) of subparagraph (A). Amounts made available under the preceding sentence are in addition to amounts otherwise available for such purposes.

(4) Reestablishment of food security, rehabilitation of the agriculture sector, improvement in health conditions, and the reconstruction of basic infrastructure

To assist in expanding access to markets in Afghanistan, to increase the availability of food in markets in Afghanistan, to rehabilitate the agriculture sector in Afghanistan by

¹ So in original. Probably should be "ordnance."

creating jobs for former combatants, returning refugees, and internally displaced persons, to improve health conditions, and assist in the rebuilding of basic infrastructure in Afghanistan, including assistance such as—

(A) rehabilitation of the agricultural infrastructure, including irrigation systems and rural roads;

(B) extension of credit;

(C) provision of critical agricultural inputs, such as seeds, tools, and fertilizer, and strengthening of seed multiplication, certification, and distribution systems;

(D) improvement in the quantity and quality of water available through, among other things, rehabilitation of existing irrigation systems and the development of local capacity to manage irrigation systems;

(E) livestock rehabilitation through market development and other mechanisms to distribute stocks to replace those stocks lost as a result of conflict or drought;

(F) mine awareness and demining programs and programs to assist mine victims, war orphans, and widows;

(G) programs relating to infant and young child feeding, immunizations, vitamin A supplementation, and prevention and treatment of diarrheal diseases and respiratory infections;

(H) programs to improve maternal and child health and reduce maternal and child mortality;

(I) programs to improve hygienic and sanitation practices and for the prevention and treatment of infectious diseases, such as tuberculosis and malaria;

(J) programs to reconstitute the delivery of health care, including the reconstruction of health clinics or other basic health infrastructure, with particular emphasis on health care for children who are orphans;

(K) programs for housing (including repairing homes damaged during military operations), rebuilding urban infrastructure, and supporting basic urban services;

(L) disarmament, demobilization, and reintegration of armed combatants into society, particularly child soldiers; and

(M) assistance in identifying and surveying key road and rail routes that are essential for economic renewal in Afghanistan and the region and support for the establishment of a customs service and training for customs officers.

(5) Education, the rule of law, and related issues

(A) Education

To assist in the development of the capacity of the Government of Afghanistan to provide education to the people of Afghanistan, including assistance such as—

(i) support for an educated citizenry through improved access to basic education, with particular emphasis on basic education for children, especially orphans;

(ii) programs to enable the Government of Afghanistan to recruit and train teachers, with special focus on the recruitment and training of female teachers;

(iii) programs to enable the Government of Afghanistan to develop school curricula that incorporate relevant information such as landmine awareness, food security and agricultural education, civic education, and human rights education, including education relating to religious freedom;

(iv) programs to construct, renovate, or rebuild, and to equip and provide teacher training, for primary schools, secondary schools, and universities; and

(v) programs to increase educational exchanges and partnerships between the United States and Afghanistan.

(B) Rule of law

To assist in the development of the rule of law and good governance and reduced corruption in Afghanistan, including assistance such as—

(i) support for the activities of the Government of Afghanistan to implement its constitution, to develop modern legal codes and court rules, to provide for the creation of legal assistance programs, and other initiatives to promote the rule of law in Afghanistan;

(ii) support for improvements in the capacity and physical infrastructure of the justice system in Afghanistan, such as for professional training (including for women) to improve the administration of justice, for programs to enhance prosecutorial and judicial capabilities and to protect participants in judicial cases, for improvements in the instruction of law enforcement personnel (including human rights training), and for the promotion of civilian police roles that support democracy;

(iii) support for rehabilitation and rebuilding of courthouses and detention facilities;

(iv) support for the effective administration of justice at the national, regional, and local levels, including programs to improve penal institutions and the rehabilitation of prisoners, and to establish a responsible and community-based police force;

(v) support to increase the transparency, accountability, and participatory nature of governmental institutions, including programs designed to combat corruption and other programs for the promotion of good governance, such as the development of regulations relating to financial disclosure for public officials, political parties, and candidates for public office, and transparent budgeting processes and financial management systems;

(vi) support for establishment of a central bank and central budgeting authority;

(vii) support for international organizations that provide civil advisers to the Government of Afghanistan; and

(viii) support for Afghan and international efforts to investigate human rights atrocities committed in Afghanistan by the Taliban regime, opponents of

such regime, and terrorist groups operating in Afghanistan, including the collection of forensic evidence relating to such atrocities.

(C) Civil society and democracy

To support the development of democratic institutions in Afghanistan, including assistance for—

- (i) international monitoring and observing of, and the promotion of, free and fair elections;
- (ii) strengthening democratic political parties;
- (iii) international exchanges and professional training for members or officials of government, political, and civic or other nongovernmental entities;
- (iv) national, regional, and local elections and political party development;
- (v) an independent media;
- (vi) programs that support the expanded participation of women and members of all ethnic groups in government at national, regional, and local levels; and
- (vii) programs to strengthen civil society organizations that promote human rights, including religious freedom, freedom of expression, and freedom of association, and support human rights monitoring.

(D) Protection of sites

To provide for the protection of Afghanistan's culture, history, and national identity, including the rehabilitation of Afghanistan's museums and sites of cultural significance.

(6) Market economy

To support the establishment of a market economy, the establishment of private financial institutions, the adoption of policies to promote foreign direct investment, the development of a basic telecommunication infrastructure, and the development of trade and other commercial links with countries in the region and with the United States, including policies to—

- (A) encourage the return of Afghanistan citizens or nationals living abroad who have marketable and business-related skills;
- (B) establish financial institutions, including credit unions, cooperatives, and other entities providing microenterprise credits and other income-generation programs for the poor, with particular emphasis on women;
- (C) facilitate expanded trade with countries in the region;
- (D) promote and foster respect for basic workers' rights and protections against exploitation of child labor;
- (E) develop handicraft and other small-scale industries; and
- (F) provide financing programs for the reconstruction of Kabul and other major cities in Afghanistan.

(7) Assistance to women and girls

(A) Assistance objectives

To assist women and girls in Afghanistan in the areas of political and human rights,

health care, education, training, security, and shelter, with particular emphasis on assistance—

- (i) to support construction of, provide equipment and medical supplies to, and otherwise facilitate the establishment and rehabilitation of, health care facilities in order to improve the health care of women, children, and infants;
- (ii) to expand immunization programs for women and children;
- (iii) to establish, maintain, and expand primary and secondary schools for girls that include mathematics, science, and languages in their primary curriculum;
- (iv) to develop and expand technical and vocational training programs and income-generation projects for women;
- (v) to provide special educational opportunities for girls whose schooling was ended by the Taliban, and to support the ability of women to have access to higher education;
- (vi) to develop and implement programs to protect women and girls against sexual and physical abuse, abduction, trafficking, exploitation, and sex discrimination in the delivery of humanitarian supplies and services;
- (vii) to provide emergency shelters for women and girls who face danger from violence;
- (viii) to direct humanitarian assistance to widows, who make up a very large and needy population in war-torn Afghanistan;
- (ix) to support the work of women-led and local nongovernmental organizations with demonstrated experience in delivering services to Afghan women and children;
- (x) to disseminate information throughout Afghanistan on the rights of women and on international standards of human rights, including the rights of religious freedom, freedom of expression, and freedom of association;
- (xi) to provide women's rights and human rights training for military, police, and legal personnel; and
- (xii) to support the Afghan Independent Human Rights Commission in programs to promote women's rights and human rights, including the rights of religious freedom, freedom of expression, and freedom of association, and in the investigation and monitoring of women's rights and human rights abuses.

(B) Availability of funds

For each of the fiscal years 2003 through 2006—

- (i) \$15,000,000 is authorized to be appropriated to the President to be made available to the Afghan Ministry of Women's Affairs; and
- (ii) \$5,000,000 is authorized to be appropriated to the President to be made available to the National Human Rights Commission of Afghanistan.

(C) Relation to other available funds

Amounts made available under subparagraph (B) are in addition to amounts otherwise available for such purposes.

(b) Limitation**(1) In general**

Amounts made available to carry out this subchapter (except amounts made available for assistance under paragraphs (1) through (3) and subparagraphs (F) through (I) of paragraph (4) of subsection (a) of this section) may be provided only if the President first determines and certifies to Congress with respect to the fiscal year involved that progress is being made toward adopting a constitution and establishing a democratically elected government for Afghanistan that respects human rights.

(2) Waiver**(A) In general**

The President may waive the application of paragraph (1) if the President first determines and certifies to Congress that it is important to the national interest of the United States to do so.

(B) Contents of certification

A certification transmitted to Congress under subparagraph (A) shall include a written explanation of the basis for the determination of the President to waive the application of paragraph (1).

(c) Enterprise fund**(1) Authorization of appropriations**

In addition to funds otherwise available for such purpose, there are authorized to be appropriated to the President for an enterprise fund for Afghanistan \$300,000,000. The provisions contained in section 5421 of this title (excluding the authorizations of appropriations provided in subsection (b) of that section) shall apply with respect to such enterprise fund and to funds made available to such enterprise fund under this subsection.

(2) Availability of funds

Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expended.

(d) Monitoring of assistance for Afghanistan**(1) Report****(A) In general**

The Secretary of State, in consultation with the Administrator for the United States Agency for International Development, shall submit to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a report on the obligations of United States assistance for Afghanistan from all United States Government departments and agencies.

(B) Contents

Each such report shall set forth, for the preceding annual period and cumulatively, a description of—

- (i) the activities and the purposes for which funds were obligated;
- (ii) the source of the funds stated specifically by fiscal year, agency, and program;
- (iii) the participation of each United States Government department or agency; and

- (iv) such other information as the Secretary considers appropriate to fully inform Congress on such matters.

(C) Additional requirements

The first report submitted under this paragraph shall include a cumulative account of information described in subparagraph (B) from all prior periods beginning with fiscal year 2001. The first report under this paragraph shall be submitted not later than March 15, 2005. Subsequent reports shall be submitted every 12 months thereafter and may be included in the report required under section 7536(c)(2) of this title.

(2) Submission of information for report

The head of each United States Government agency referred to in paragraph (1) shall provide on a timely basis to the Secretary of State such information as the Secretary may reasonably require to allow the Secretary to prepare and submit the report required under paragraph (1).

(Pub. L. 107-327, title I, § 103, Dec. 4, 2002, 116 Stat. 2799; Pub. L. 108-458, title VII, § 7104(e)(1)(B), (f)(2)-(g), (j)(1), (k)(2), Dec. 17, 2004, 118 Stat. 3782, 3783, 3785, 3787, 3788.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, § 7104(e)(1)(B), substituted “any other” for “section 512 of Public Law 107-115 or any other similar” in introductory provisions.

Subsec. (a)(3)(A)(i). Pub. L. 108-458, § 7104(j)(1)(A), substituted “promote alternatives to poppy cultivation, including the introduction of high value crops that are suitable for export and the provision of appropriate technical assistance and credit mechanisms for farmers,” for “establish crop substitution programs,”.

Subsec. (a)(3)(A)(ii). Pub. L. 108-458, § 7104(j)(1)(B), inserted “, and to create special counternarcotics courts, prosecutors, and places of incarceration” before semicolon at end.

Subsec. (a)(3)(A)(iii). Pub. L. 108-458, § 7104(j)(1)(C), inserted before semicolon at end “, in particular, notwithstanding section 2420 of this title, by providing non-lethal equipment, training (including training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy), and payments, during fiscal years 2005 through 2008, for salaries for special counternarcotics police and supporting units”.

Subsec. (a)(3)(A)(vi). Pub. L. 108-458, § 7104(j)(1)(D)-(F), added cl. (vi).

Subsec. (a)(4)(M). Pub. L. 108-458, § 7104(f)(3), added subpar. (M).

Subsec. (a)(5). Pub. L. 108-458, § 7104(f)(2), amended heading and text of par. (5) generally, substituting provisions relating to education, the rule of law, and related issues, for provisions relating to reestablishment of Afghanistan as a viable nation-state.

Subsec. (a)(7)(A)(xii). Pub. L. 108-458, § 7104(k)(2), substituted “Afghan Independent” for “National”.

Subsec. (d). Pub. L. 108-458, § 7104(g), added subsec. (d).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

PERFORMANCE MONITORING SYSTEM FOR UNITED STATES-LED PROVINCIAL RECONSTRUCTION TEAMS IN AFGHANISTAN

Pub. L. 110-417, [div. A], title XII, § 1215, Oct. 14, 2008, 122 Stat. 4632, provided that:

“(a) IN GENERAL.—The President, acting through the Secretary of Defense and the Secretary of State, shall develop and implement a system to monitor the performance of United States-led Provincial Reconstruction Teams (PRTs) in Afghanistan.

“(b) ELEMENTS OF PERFORMANCE MONITORING SYSTEM.—The performance monitoring system required under subsection (a) shall include—

“(1) PRT-specific work plans that incorporate the long-term strategy, mission, and clearly defined objectives required by section 1230(c)(3) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 386), and include plans for developing the capacity of national, provincial, and local government and other civil institutions in Afghanistan to assume increasing responsibility for the formulation, implementation, and oversight of reconstruction and development activities; and

“(2) comprehensive performance indicators and measures of progress toward sustainable long-term security and stability in Afghanistan, and include performance standards and progress goals together with a notional timetable for achieving such goals, consistent with the requirements of section 1230(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 388).

“(c) REPORT.—Not later than 90 days after the date of the enactment of this Act [Oct. 14, 2008], the President shall submit to the appropriate congressional committees a report on the implementation of the performance monitoring system required under subsection (a).

“(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

“(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Relations of the Senate.”

DECLARATIONS OF POLICY

Pub. L. 108-458, title VII, §7104(e)(1)(A), Dec. 17, 2004, 118 Stat. 3781, provided that: “Congress reaffirms the authorities contained in title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 [7511] et seq.), relating to economic and democratic development assistance for Afghanistan.”

Pub. L. 108-458, title VII, §7104(f)(1), Dec. 17, 2004, 118 Stat. 3783, provided that: “Congress declares that, although Afghanistan has adopted a new constitution and made progress on primary education, the United States must invest in a concerted effort in Afghanistan to improve the rule of law, good governance, and effective policing, to accelerate work on secondary and university education systems, and to establish new initiatives to increase the capacity of civil society.”

RELIEF FOR AFGHAN WOMEN AND CHILDREN

Pub. L. 107-81, Dec. 12, 2001, 115 Stat. 811, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Afghan Women and Children Relief Act of 2001’.

“SEC. 2. FINDINGS.

“Congress makes the following findings:

“(1) In Afghanistan, Taliban restrictions on women’s participation in society make it nearly impossible for women to exercise their basic human rights. The Taliban restrictions on Afghan women’s freedom of expression, association, and movement deny women full participation in society and, consequently, from effectively securing basic access to work, education, and health care.

“(2) Afghanistan has one of the highest infant (165 of 1000) and child (257 of 1000) mortality rates in the world.

“(3) Only 5 percent of rural and 39 percent of urban Afghans have access to safe drinking water.

“(4) It is estimated that 42 percent of all deaths in Afghanistan are due to diarrheal diseases caused by contaminated food and water.

“(5) Over one-third of Afghan children under 5 years of age suffer from malnutrition, 85,000 of whom die annually.

“(6) Seventy percent of the health care system in Afghanistan is dependent on foreign assistance.

“(7) As of May 1998, only 20 percent of hospital medical and surgical beds dedicated to adults were available for women, and thousands of Afghan women and girls are routinely denied health care.

“(8) Women are forbidden to leave their homes without being escorted by a male relative. This prevents many women from seeking basic necessities like health care and food for their children. Doctors, virtually all of whom are male, are also not permitted to provide certain types of care not deemed appropriate by the Taliban.

“(9) Before the Taliban took control of Kabul, schools were coeducational, with women accounting for 70 percent of the teaching force. Women represented about 50 percent of the civil service corps, and 40 percent of the city’s physicians were women. Today, the Taliban prohibits women from working as teachers, doctors, and in any other occupation.

“(10) The Taliban prohibit [sic] girls and women from attending school. In 1998, the Taliban ordered the closing of more than 100 privately funded schools where thousands of young women and girls were receiving education and training in skills that would have helped them support themselves and their families.

“(11) Of the many tens of thousands of war widows in Afghanistan, many are forced to beg for food and to sell their possessions because they are not allowed to work.

“(12) Resistance movements courageously continue to educate Afghan girls in secrecy and in foreign countries against Taliban law.

“SEC. 3. AUTHORIZATION OF ASSISTANCE.

“(a) IN GENERAL.—Subject to subsection (b), the President is authorized, on such terms and conditions as the President may determine, to provide educational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries.

“(b) IMPLEMENTATION.—(1) In providing assistance under subsection (a), the President shall ensure that such assistance is provided in a manner that protects and promotes the human rights of all people in Afghanistan, utilizing indigenous institutions and nongovernmental organizations, especially women’s organizations, to the extent possible.

“(2) Beginning 6 months after the date of enactment of this Act [Dec. 12, 2001], and at least annually for the 2 years thereafter, the Secretary of State shall submit a report to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations [now Committee on Foreign Affairs] of the House of Representatives describing the activities carried out under this Act and otherwise describing the condition and status of women and children in Afghanistan and the persons in refugee camps while United States aid is given to displaced Afghans.

“(c) AVAILABILITY OF FUNDS.—Funds made available under the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107-38) [115 Stat. 220], shall be available to carry out this Act.”

§ 7514. Coordination of assistance

(a) In general

The President shall designate, within the Department of State, a coordinator who shall be responsible for—

(1) designing an overall strategy to advance United States interests in Afghanistan;

(2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this subchapter;

(3) pursuing coordination with other countries and international organizations with respect to assistance to Afghanistan;

(4) ensuring that United States assistance programs for Afghanistan are consistent with this subchapter;

(5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for Afghanistan; and

(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for Afghanistan.

(b) Rank and status of the coordinator

The coordinator designated under subsection (a) of this section shall have the rank and status of ambassador.

(c) Assistance plan

(1) Submission to Congress

The coordinator designated under subsection (a) of this section shall annually submit the Afghanistan assistance plan of the Administration to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on International Relations of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) Contents

The assistance plan submitted under paragraph (1) shall describe—

(A) how the plan relates to the strategy provided pursuant to section 7554 of this title; and

(B) how the plan builds upon United States assistance provided to Afghanistan since 2001.

(d) Coordination with international community

(1) In general

The coordinator designated under subsection (a) of this section shall work with the international community and the Government of Afghanistan to ensure that assistance to Afghanistan is implemented in a coherent, consistent, and efficient manner to prevent duplication and waste.

(2) International financial institutions

The coordinator designated under subsection (a) of this section, under the direction of the Secretary of State, shall work through the Secretary of the Treasury and the United States Executive Directors at the international financial institutions (as defined in section 262r(c)(2) of this title) to coordinate United States assistance for Afghanistan with international financial institutions.

(Pub. L. 107-327, title I, §104, Dec. 4, 2002, 116 Stat. 2804; Pub. L. 108-458, title VII, §7104(c)(2), (d), Dec. 17, 2004, 118 Stat. 3781.)

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458, §7104(c)(2), substituted “shall” for “is strongly urged to” in introductory provisions.

Subsecs. (c), (d). Pub. L. 108-458, §7104(d), added subsecs. (c) and (d).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

FINDINGS

Pub. L. 108-458, title VII, §7104(c)(1), Dec. 17, 2004, 118 Stat. 3781, provided that: “Congress makes the following findings:

“(A) The Final Report of the National Commission on Terrorist Attacks Upon the United States criticized the provision of United States assistance to Afghanistan for being too inflexible.

“(B) The Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) contains provisions that provide for flexibility in the provision of assistance for Afghanistan and are not subject to the requirements of typical foreign assistance programs and provide for the designation of a coordinator to oversee United States assistance for Afghanistan.”

§ 7515. Sense of Congress regarding promoting cooperation in opium producing areas

It is the sense of Congress that the President should—

(1) to the extent practicable, under such procedures as the President may prescribe, withhold United States bilateral assistance from, and oppose multilateral assistance to, opium-producing areas of Afghanistan if, within such areas, appropriate cooperation is not provided to the United States, the Government of Afghanistan, and international organizations with respect to the suppression of narcotics cultivation and trafficking, and if withholding such assistance would promote such cooperation;

(2) redistribute any United States bilateral assistance (and to promote the redistribution of any multilateral assistance) withheld from an opium-producing area to other areas with respect to which assistance has not been withheld as a consequence of this section; and

(3) define or redefine the boundaries of opium producing areas of Afghanistan for the purposes of this section.

(Pub. L. 107-327, title I, §105, Dec. 4, 2002, 116 Stat. 2805.)

§ 7516. Administrative provisions

(a) Applicable administrative authorities

Except to the extent inconsistent with the provisions of this subchapter, the administrative authorities under chapters 1 and 2 of part III of the Foreign Assistance Act of 1961 [22 U.S.C. 2351 et seq., 2381 et seq.] shall apply to the provision of assistance under this subchapter to the same extent and in the same manner as such authorities apply to the provision of economic assistance under part I of such Act [22 U.S.C. 2151 et seq.].

(b) Use of the expertise of Afghan-Americans

In providing assistance authorized by this subchapter, the President should—

(1) maximize the use, to the extent feasible, of the services of Afghan-Americans who have expertise in the areas for which assistance is authorized by this subchapter; and

(2) in the awarding of contracts and grants to implement activities authorized under this subchapter, encourage the participation of such Afghan-Americans (including organizations employing a significant number of such Afghan-Americans).

(c) Donations of manufacturing equipment; use of colleges and universities

In providing assistance authorized by this subchapter, the President, to the maximum extent practicable, should—

(1) encourage the donation of appropriate excess or obsolete manufacturing and related equipment by United States businesses (including small businesses) for the reconstruction of Afghanistan; and

(2) utilize research conducted by United States colleges and universities and the technical expertise of professionals within those institutions, particularly in the areas of agriculture and rural development.

(d) Administrative expenses

Of the funds made available to carry out the purposes of assistance authorized by this subchapter in any fiscal year, up to 7 percent may be used for administrative expenses of Federal departments and agencies in connection with the provision of such assistance.

(e) Monitoring

(1) Comptroller General

The Comptroller General shall monitor the provision of assistance under this subchapter.

(2) Inspector General of USAID

The Inspector General of the United States Agency for International Development shall conduct audits, inspections, and other activities, as appropriate, associated with the expenditure of the funds to carry out this subchapter.

(f) Priority for direct assistance to the Government of Afghanistan

To the maximum extent practicable, assistance authorized under this subchapter should be provided directly to the Government of Afghanistan (including any appropriate ministry thereof).

(Pub. L. 107-327, title I, §106, Dec. 4, 2002, 116 Stat. 2805.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424. Part I of the Act is classified generally to subchapter I (§2151 et seq.) of chapter 32 of this title. Chapters 1 and 2 of part III of the Act are classified generally to parts I (§2351 et seq.) and II (§2381 et seq.), respectively, of subchapter III of chapter 32 of this title. For provisions deeming references to subchapter I to include parts IV (§2346 et seq.), VI (§2348 et seq.), and VIII (§2349aa et seq.) of subchapter II of chapter 32, see section 202(b) of Pub. L. 92-226, set out as a note under section 2346 of this title, and sections 2348c and 2349aa-5 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

§ 7517. Relationship to other authority

The authority to provide assistance under this subchapter is in addition to any other authority to provide assistance to the Government of Afghanistan.

(Pub. L. 107-327, title I, §107, Dec. 4, 2002, 116 Stat. 2806.)

§ 7518. Authorization of appropriations

(a) In general

There is authorized to be appropriated to the President to carry out this subchapter (other than section 7513(c) of this title) such sums as may be necessary for each of the fiscal years 2005 and 2006.

(b) Availability

Amounts appropriated pursuant to the authorization of appropriations under subsection (a) of this section are—

(1) authorized to remain available until expended; and

(2) in addition to funds otherwise available for such purposes, including, with respect to food assistance under section 7513(a)(1) of this title, funds available under title II of the Food for Peace Act [7 U.S.C. 1721 et seq.], section 1736o of title 7, and section 1431(b) of title 7.

(Pub. L. 107-327, title I, §108, Dec. 4, 2002, 116 Stat. 2806; Pub. L. 108-106, title II, §2214, Nov. 6, 2003, 117 Stat. 1232; Pub. L. 108-458, title VII, §7104(m), Dec. 17, 2004, 118 Stat. 3788; Pub. L. 110-246, title III, §3001(c), June 18, 2008, 122 Stat. 1821.)

REFERENCES IN TEXT

The Food for Peace Act, referred to in subsec. (b)(2), is act July 10, 1954, ch. 469, 68 Stat. 454. Title II of the Act is classified generally to subchapter III (§1721 et seq.) of chapter 41 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of Title 7 and Tables.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-458 substituted “such sums as may be necessary for each of the fiscal years 2005 and 2006.” for “\$1,825,000,000 for fiscal year 2004 and \$425,000,000 for each of fiscal years 2005 and 2006.”

2003—Subsec. (a). Pub. L. 108-106 substituted “\$1,825,000,000 for fiscal year 2004 and \$425,000,000 for each of fiscal years 2005 and 2006” for “\$425,000,000 for each of the fiscal years 2003 through 2006”.

CHANGE OF NAME

“Food for Peace Act” substituted for “Agricultural Trade Development and Assistance Act of 1954” in subsec. (b)(2) on authority of section 3001(c) of Pub. L. 110-246, set out as a note under section 1691 of Title 7, Agriculture.

SUBCHAPTER II—MILITARY ASSISTANCE FOR AFGHANISTAN AND CERTAIN OTHER FOREIGN COUNTRIES AND INTERNATIONAL ORGANIZATIONS

§ 7531. Support for security during transition in Afghanistan

It is the sense of Congress that, during the transition to a broad-based, multi-ethnic, gender-sensitive, fully representative government in Afghanistan, the United States should support—

- (1) the development of a civilian-controlled and centrally-governed standing Afghanistan army that respects human rights and prohibits the use of children as soldiers or combatants;
- (2) the creation and training of a professional civilian police force that respects human rights; and
- (3) a multinational security force in Afghanistan.

(Pub. L. 107-327, title II, §201, Dec. 4, 2002, 116 Stat. 2807.)

§ 7532. Authorization of assistance

(a) Drawdown authority

(1) In general

The President is authorized to exercise his authorities under section 2318 of this title to direct the drawdown of defense articles, defense services, and military education and training—

(A) for the Government of Afghanistan, in accordance with this section; and

(B) for eligible foreign countries, and eligible international organizations, in accordance with this section and sections 7533 and 7535 of this title.

(2) Authority to acquire by contract or otherwise

The assistance authorized under paragraph (1) may include the supply of defense articles, defense services, counter-narcotics, crime control and police training services, other support, and military education and training that are acquired by contract or otherwise.

(b) Amount of assistance

The aggregate value (as defined in section 2403(m) of this title) of assistance provided under subsection (a) of this section may not exceed \$550,000,000, except that such limitation shall be increased by any amounts appropriated pursuant to the authorization of appropriations in section 7534(b)(1) of this title and shall not count toward any limitation contained in section 2318 of this title.

(Pub. L. 107-327, title II, §202, Dec. 4, 2002, 116 Stat. 2807; Pub. L. 108-106, title II, §2206, Nov. 6, 2003, 117 Stat. 1231; Pub. L. 108-287, title IX, §9008, Aug. 5, 2004, 118 Stat. 1008.)

AMENDMENTS

2004—Subsec. (b). Pub. L. 108-287 substituted “\$550,000,000” for “\$450,000,000”.

2003—Subsec. (b). Pub. L. 108-106 substituted “\$450,000,000” for “\$300,000,000”.

§ 7533. Eligible foreign countries and eligible international organizations

(a) In general

Except as provided in subsection (b) of this section, a foreign country or international organization shall be eligible to receive assistance under section 7532 of this title if—

(1) such country or organization is participating in military, peacekeeping, or policing operations in Afghanistan aimed at restoring or maintaining peace and security in that country; and

(2) such assistance is provided specifically for such operations in Afghanistan.

(b) Exception

No country the government of which has been determined by the Secretary of State to have repeatedly engaged in gross violations of human rights, or provided support for acts of international terrorism under section 2371 of this title, section 2405(j)(1) of title 50, Appendix, or section 2780(d) of this title shall be eligible to receive assistance under section 7532 of this title.

(Pub. L. 107-327, title II, §203, Dec. 4, 2002, 116 Stat. 2807.)

§ 7534. Reimbursement for assistance

(a) In general

Defense articles, defense services, and military education and training provided under section 7532(a)(2) of this title shall be made available without reimbursement to the Department of Defense except to the extent that funds are appropriated pursuant to the authorization of appropriations in subsection (b)(1) of this section.

(b) Authorization of appropriations

(1) In general

There are authorized to be appropriated to the President such sums as may be necessary to reimburse the applicable appropriation, fund, or account for the value (as defined in section 2403(m) of this title) of defense articles, defense services, or military education and training provided under section 7532(a)(2) of this title.

(2) Availability

Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are in addition to amounts otherwise available for the purposes described in this subchapter.

(Pub. L. 107-327, title II, §204, Dec. 4, 2002, 116 Stat. 2808.)

§ 7535. Congressional notification requirements

(a) Authority

The President may provide assistance under this subchapter to any eligible foreign country or eligible international organization if the President determines that such assistance is important to the national security interest of the United States and notifies the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate of such determination at least 15 days in advance of providing such assistance.

(b) Notification

The report described in subsection (a) of this section shall be submitted in classified and unclassified form and shall include information relating to the type and amount of assistance proposed to be provided and the actions that the proposed recipient of such assistance has taken or has committed to take.

(Pub. L. 107-327, title II, §205, Dec. 4, 2002, 116 Stat. 2808.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Af-

fairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7536. Promoting secure delivery of humanitarian and other assistance in Afghanistan and expansion of the International Security Assistance Force

(a) Findings

Congress finds the following:

(1) The President has declared his view that the United States should provide significant assistance to Afghanistan so that it is no longer a haven for terrorism.

(2) The delivery of humanitarian and reconstruction assistance from the international community is necessary for the safe return of refugees and is critical to the future stability of Afghanistan.

(3) Enhanced stability in Afghanistan through an improved security environment is critical to the functioning of the Government of Afghanistan and the traditional Afghan assembly or “Loya Jirga” process, which is intended to lead to a permanent national government in Afghanistan, and also is essential for the participation of women in Afghan society.

(4) Incidents of violence between armed factions and local and regional commanders, and serious abuses of human rights, including attacks on women and ethnic minorities throughout Afghanistan, create an insecure, volatile, and unsafe environment in parts of Afghanistan, displacing thousands of Afghan civilians from their local communities.

(5)(A) On July 6, Vice President Haji Abdul Qadir was assassinated in Kabul by unknown assailants.

(B) On September 5, 2002, a car bomb exploded in Kabul killing 32 and injuring 150 and on the same day a member of Kandahar Governor Sherzai’s security team attempted to assassinate President Karzai.

(6) The violence and lawlessness may jeopardize the “Loya Jirga” process, undermine efforts to build a strong central government, severely impede reconstruction and the delivery of humanitarian assistance, and increase the likelihood that parts of Afghanistan will once again become safe havens for al-Qaida, Taliban forces, and drug traffickers.

(7) The lack of security and lawlessness may also perpetuate the need for United States Armed Forces in Afghanistan and threaten the ability of the United States to meet its military objectives.

(8) The International Security Assistance Force in Afghanistan, currently led by Turkey, and composed of forces from other willing countries without the participation of United States Armed Forces, is deployed only in Kabul and currently does not have the mandate or the capacity to provide security to other parts of Afghanistan.

(9) Due to the ongoing military campaign in Afghanistan, the United States does not contribute troops to the International Security Assistance Force but has provided support to other countries that are doing so.

(10) The United States is providing political, financial, training, and other assistance to the

Afghan Interim Authority as it begins to build a national army and police force to help provide security throughout Afghanistan, but this effort is not meeting the immediate security needs of Afghanistan.

(11) Because of these immediate security needs, the Government of Afghanistan, its President, Hamid Karzai, and many Afghan regional leaders have called for the International Security Assistance Force, which has successfully brought stability to Kabul, to be expanded and deployed throughout the country, and this request has been strongly supported by a wide range of international humanitarian organizations, including the International Committee of the Red Cross, Catholic Relief Services, and Refugees International.

(b) Statement of policy

It should be the policy of the United States to support measures to help meet the immediate security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government.

(c) Implementation of strategy

(1) Initial report

Not later than 60 days after December 4, 2002, the President shall provide the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate with—

(A) a strategy for meeting the immediate and long-term security needs of Afghanistan in order to promote safe and effective delivery of humanitarian and other assistance throughout Afghanistan, further the rule of law and civil order, and support the formation of a functioning, representative Afghan national government, including an update to the strategies submitted pursuant to Public Law 107-206; and

(B) a description of the progress of the Government of Afghanistan toward the eradication of poppy cultivation, the disruption of heroin production, and the reduction of the overall supply and demand for illicit narcotics in Afghanistan in accordance with the provisions of this chapter.

(2) Implementation of strategy

Every 6 months after December 4, 2002, through January 1, 2010, the President shall submit to the congressional committees specified in paragraph (1) a report on the implementation of the strategies for meeting the immediate and long-term security needs of Afghanistan, which shall include the following elements—

(A) since the previous report, the progress in recruiting, training, and deploying an Afghan National Army and police force, including the numbers and ethnic composition of recruits; the number of graduates from military and police training; the numbers of graduates retained by the Afghan National Army and police forces since the previous re-

port; the numbers of graduates operationally deployed and to which areas of the country; the degree to which these graduates are assuming security responsibilities; whether Afghan army and police units are establishing effective central governmental authority over areas of the country, and which areas; and the numbers of instances of armed attacks against Afghan central governmental officials, United States or international officials, troops or aid workers, or between the armed forces of regional leaders;

(B) the degree to which armed regional leaders are cooperating and integrating with the central government, providing security and order within their regions of influence, engaging in armed conflict or other forms of competition that are deleterious to peace, security, and the integration of a unified Afghanistan under the central government;

(C) the amount of humanitarian relief provided since the previous report to returnees, isolated populations and other vulnerable groups, as well as demining assistance and landmine survivors rehabilitation; and the numbers of such persons not assisted since the previous report;

(D) the steps taken since the previous report toward national reconstruction, including establishment of the ministries and other institutions of the Government of Afghanistan;

(E) the numbers of Civil Affairs Teams working with regional leaders, as well as the quick impact infrastructure projects undertaken by such teams since the previous report;

(F) efforts undertaken since the previous report to rebuild the justice sector, including the establishment of a functioning judiciary, a competent bar, reintegration of women legal professionals and a reliable penal system, and the respect for human rights; and

(G) a description of the progress of the Government of Afghanistan with respect to the matters described in paragraph (1)(B).

(d) Expansion of the International Security Assistance Force

(1) Efforts to expand international peacekeeping and security operations in Afghanistan
(A) Efforts

The President shall encourage, and, as authorized by law, enable other countries to actively participate in expanded international peacekeeping and security operations in Afghanistan, especially through the provision of military personnel for extended periods of time.

(B) Reports

The President shall prepare and transmit a report on the efforts carried out pursuant to subparagraph (A) to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives. The first report under this subparagraph shall be transmitted not later than 60 days after December 17, 2004, and subsequent reports shall be trans-

mitted every 6 months thereafter and may be included in the report required by subsection (c)(2) of this section.

(2) Authorization of appropriations

(A) There is authorized to be appropriated to the President \$500,000,000 for each of fiscal years 2003 and 2004 to support the International Security Assistance Force or the establishment of a similar security force.

(B) Amounts made available under subparagraph (A) may be appropriated pursuant to chapter 4 of part II of the Foreign Assistance Act of 1961 [22 U.S.C. 2346 et seq.], section 551 of such Act [22 U.S.C. 2348], or section 2763 of this title.

(C) Funds appropriated pursuant to subparagraph (A) shall be subject to the notification requirements under section 634A of the Foreign Assistance Act of 1961 [22 U.S.C. 2394-1].

(e) United States policy relating to international peacekeeping and security operations

It shall be the policy of the United States to make every effort to support the expansion of international peacekeeping and security operations in Afghanistan in order to—

(1) increase the area in which security is provided and undertake vital tasks related to promoting security, such as disarming warlords, militias, and irregulars, and disrupting opium production; and

(2) safeguard highways in order to allow the free flow of commerce and to allow material assistance to the people of Afghanistan, and aid personnel in Afghanistan, to move more freely.

(Pub. L. 107-327, title II, § 206, Dec. 4, 2002, 116 Stat. 2808; Pub. L. 108-458, title VII, § 7104(h)(2), (i), (k)(1), Dec. 17, 2004, 118 Stat. 3786, 3788.)

REFERENCES IN TEXT

Public Law 107-206, referred to in subsec. (c)(1)(A), is Pub. L. 107-206, Aug. 2, 2002, 116 Stat. 820, known as the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States. For complete classification of this Act to the Code, see Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (d)(2)(B), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 4 of part II of the Act is classified generally to part IV (§ 2346 et seq.) of subchapter II of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

AMENDMENTS

2004—Subsec. (c)(2). Pub. L. 108-458, § 7104(k)(1), substituted “2010” for “2007” in introductory provisions.

Subsec. (d)(1). Pub. L. 108-458, § 7104(i), amended heading and text of par. (1) generally. Prior to amendment, text read as follows: “Congress urges the President, in order to fulfill the objective of establishing security in Afghanistan, to take all appropriate measures to assist Afghanistan in establishing a secure environment throughout the country, including by—

“(A) sponsoring in the United Nations Security Council a resolution authorizing an expansion of the International Security Assistance Force, or the establishment of a similar security force; and

“(B) enlisting the European and other allies of the United States to provide forces for an expansion of the International Security Assistance Force in Afghanistan, or the establishment of a similar security force.”

Subsec. (e). Pub. L. 108-458, § 7104(h)(2), added subsec. (e).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

DELEGATION OF FUNCTIONS

For delegation of congressional reporting functions of President under subsec. (c) of this section, see section 1 of Ex. Ord. No. 13313, July 31, 2003, 68 F.R. 46073, set out as a note under section 301 of Title 3, The President.

Functions of President under subsec. (d)(1)(B) of this section assigned to Secretary of Defense by section 2 of Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 48633, set out as a note under section 301 of Title 3.

UNITED STATES POLICY RELATING TO DISARMAMENT OF PRIVATE MILITIAS

Pub. L. 108-458, title VII, § 7104(h)(1), Dec. 17, 2004, 118 Stat. 3786, provided that:

“(A) IN GENERAL.—It shall be the policy of the United States to take immediate steps to provide active support for the disarmament, demobilization, and reintegration of armed soldiers, particularly child soldiers, in Afghanistan, in close consultation with the President of Afghanistan.

“(B) REPORT.—The report required under section 206(c)(2) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536(c)(2)) shall include a description of the progress to implement paragraph (1).”

§ 7536a. Sense of Congress and report regarding counter-drug efforts in Afghanistan

(a) Sense of Congress

It is the sense of Congress that—

(1) the President should make the substantial reduction of illegal drug production and trafficking in Afghanistan a priority in the Global War on Terrorism;

(2) the Secretary of Defense, in coordination with the Secretary of State and the heads of other appropriate Federal agencies, should expand cooperation with the Government of Afghanistan and international organizations involved in counter-drug activities to assist in providing a secure environment for counter-drug personnel in Afghanistan; and

(3) the United States, in conjunction with the Government of Afghanistan and coalition partners, should undertake additional efforts to reduce illegal drug trafficking and related activities that provide financial support for terrorist organizations in Afghanistan and neighboring countries.

(b) Report required

(1) The Secretary of Defense and the Secretary of State shall jointly prepare a report that describes—

(A) the progress made toward substantially reducing poppy cultivation and heroin production capabilities in Afghanistan; and

(B) the extent to which profits from illegal drug activity in Afghanistan are used to financially support terrorist organizations and groups seeking to undermine the Government of Afghanistan.

(2) The report required by this subsection shall be submitted to Congress not later than 120 days after December 17, 2004.

(Pub. L. 107-327, title II, § 207, as added Pub. L. 108-458, title VII, § 7104(j)(2)(B), Dec. 17, 2004, 118 Stat. 3787.)

REFERENCES IN TEXT

December 17, 2004, referred to in subsec. (b)(2), was in the original “the date of the enactment of the 9/11 Recommendations Implementation Act”, and was translated as meaning the date of enactment of Pub. L. 108-458, title VII, known as the 9/11 Commission Implementation Act of 2004, to reflect the probable intent of Congress.

PRIOR PROVISIONS

A prior section 207 of Pub. L. 107-327 was renumbered section 208 and is classified to section 7537 of this title.

§ 7537. Relationship to other authority

(a) Additional authority

The authority to provide assistance under this subchapter is in addition to any other authority to provide assistance to the Government of Afghanistan.

(b) Laws restricting authority

Assistance under this subchapter to the Government of Afghanistan may be provided notwithstanding section 512 of Public Law 107-115 or any similar provision of law.

(Pub. L. 107-327, title II, § 208, formerly § 207, Dec. 4, 2002, 116 Stat. 2811; renumbered § 208, Pub. L. 108-458, title VII, § 7104(j)(2)(A), Dec. 17, 2004, 118 Stat. 3787.)

REFERENCES IN TEXT

Section 512 of Public Law 107-115, referred to in subsec. (b), is section 512 of Pub. L. 107-115, title V, Jan. 10, 2002, 115 Stat. 2141, which is not classified to the Code.

PRIOR PROVISIONS

A prior section 208 of Pub. L. 107-327 was renumbered section 209 and is classified to section 7538 of this title.

§ 7538. Sunset

The authority of this subchapter shall expire after September 30, 2006.

(Pub. L. 107-327, title II, § 209, formerly § 208, Dec. 4, 2002, 116 Stat. 2811; renumbered § 209, Pub. L. 108-458, title VII, § 7104(j)(2)(A), Dec. 17, 2004, 118 Stat. 3787.)

SUBCHAPTER III—MISCELLANEOUS PROVISIONS

§ 7551. Requirement to comply with procedures relating to the prohibition on assistance to drug traffickers

Assistance provided under this chapter shall be subject to the same provisions as are applicable to assistance under the Foreign Assistance Act of 1961 [22 U.S.C. 2151 et seq.] and the Arms Export Control Act [22 U.S.C. 2751 et seq.] under section 487 of the Foreign Assistance Act of 1961 (relating to the prohibition on assistance to drug traffickers; 22 U.S.C. 2291f), and the applicable regulations issued under that section.

(Pub. L. 107-327, title III, § 301, Dec. 4, 2002, 116 Stat. 2812.)

REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in text, is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as

amended, which is classified principally to chapter 32 (§2151 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

The Arms Export Control Act, referred to in text, is Pub. L. 90-629, Oct. 22, 1968, 82 Stat. 1320, as amended, which is classified principally to chapter 39 (§2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables.

§ 7552. Sense of Congress regarding protecting Afghanistan's President

It is the sense of Congress that—

(1) any United States physical protection force provided for the personal security of the President of Afghanistan should be composed of United States diplomatic security, law-enforcement, or military personnel, and should not utilize private contracted personnel to provide actual physical protection services;

(2) United States allies should be invited to volunteer active-duty military or law enforcement personnel to participate in such a protection force; and

(3) such a protection force should be limited in duration and should be succeeded by qualified Afghan security forces as soon as practicable.

(Pub. L. 107-327, title III, §302, Dec. 4, 2002, 116 Stat. 2812.)

§ 7553. Donor contributions to Afghanistan and reports

(a) Findings

The Congress finds that inadequate amounts of international assistance promised by donor states at the Tokyo donors conference and elsewhere have been delivered to Afghanistan, imperiling the rebuilding and development of civil society and infrastructure, and endangering peace and security in that war-torn country.

(b) Sense of Congress

It is the sense of Congress that the United States should use all appropriate diplomatic means to encourage all states that have pledged assistance to Afghanistan to deliver as soon as possible the total amount of assistance pledged.

(c) Reports

(1) In general

The Secretary of State shall submit reports to the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives, in accordance with this paragraph, on the status of contributions of assistance from donor states to Afghanistan. The first report shall be submitted not later than 60 days after December 4, 2002, the second report shall be submitted 90 days thereafter, and subsequent reports shall be submitted every 180 days thereafter through December 31, 2004.

(2) Further requirements

Each report, which shall be unclassified and posted upon the Department of State's Internet website, shall include, by donor country,

the total amount pledged, the amount delivered within the previous 60 days, the total amount of assistance delivered, the type of assistance and type of projects supported by the assistance.

(Pub. L. 107-327, title III, §303, Dec. 4, 2002, 116 Stat. 2812.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7554. Reports

(a) In general

The Secretary of State shall submit reports to the Committees on Foreign Relations and Appropriations of the Senate, and the Committees on International Relations and Appropriations of the House of Representatives on progress made in accomplishing the "Purposes of Assistance" set forth in section 7512 of this title utilizing assistance provided by the United States for Afghanistan.

(b) Deadline for submission

The first report shall be submitted no later than December 31, 2003, and subsequent reports shall be submitted in conjunction with reports required under section 7553 of this title and thereafter through December 31, 2004.

(c) Form of reports

Any report or other matter that is required to be submitted to Congress (including a committee of Congress) by this chapter may contain a classified annex.

(Pub. L. 107-327, title III, §304, as added Pub. L. 108-106, title II, §2215(c), Nov. 6, 2003, 117 Stat. 1233; amended Pub. L. 108-458, title VII, §7104(e)(3), Dec. 17, 2004, 118 Stat. 3782.)

AMENDMENTS

2004—Pub. L. 108-458 designated existing provisions as subsecs. (a) and (b), inserted subsec. headings, and added subsec. (c).

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

§ 7555. Formulation of long-term strategy for Afghanistan

(a) Strategy

(1) In general

Not later than 180 days after December 17, 2004, the President shall formulate a 5-year strategy for Afghanistan and submit such strategy to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on International Relations of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(2) Contents

The strategy formulated under paragraph (1) shall include specific and measurable goals for addressing the long-term development and security needs of Afghanistan, including sectors such as agriculture and irrigation, parliamentary and democratic development, the judicial system and rule of law, human rights, education, health, telecommunications, electricity, women's rights, counternarcotics, police, border security, anti-corruption, and other law-enforcement activities, as well as the anticipated costs and time frames associated with achieving those goals.

(b) Monitoring**(1) ¹ Annual report**

The President shall transmit on an annual basis through 2010 a report describing the progress made toward the implementation of the strategy required by subsection (a) of this section and any changes to the strategy since the date of the submission of the last report to—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on International Relations of the House of Representatives;

(C) the Committee on Appropriations of the Senate; and

(D) the Committee on Appropriations of the House of Representatives.

(Pub. L. 107-327, title III, § 305, as added Pub. L. 108-458, title VII, § 7104(e)(4)(A), Dec. 17, 2004, 118 Stat. 3782.)

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

DELEGATION OF FUNCTIONS

Reporting functions of President under this section assigned to Secretary of State by section 1 of Memorandum of President of the United States, Apr. 21, 2005, 70 F.R. 48633, set out as a note under section 301 of title 3, The President.

CHAPTER 83—UNITED STATES LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA

Sec.	
7601.	Findings.
7602.	Definitions.
7603.	Purpose.
7604.	Authority to consolidate and combine reports.

SUBCHAPTER I—POLICY PLANNING AND COORDINATION

7611.	Development of a comprehensive, five-year, global strategy.
7612.	HIV/AIDS response Coordinator.
7612a.	HIV/AIDS Working Capital Fund.

SUBCHAPTER II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

7621.	Sense of Congress on public-private partnerships.
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Sec.	
7622.	Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.
7623.	Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries.
7624.	Facilitating vaccine development.

SUBCHAPTER III—BILATERAL EFFORTS

PART A—GENERAL ASSISTANCE AND PROGRAMS

7631.	Assistance to combat HIV/AIDS.
7631a.	United States Agency for International Development.
7632.	Authorization of appropriations to combat tuberculosis.
7633.	Assistance to combat malaria.
7634.	Malaria response Coordinator.
7635.	Report on treatment activities by relevant executive branch agencies.
7636.	Study on illegal diversions of prescription drugs.

PART B—ASSISTANCE FOR CHILDREN AND FAMILIES

7651.	Findings.
7652.	Policy and requirements.
7653.	Annual reports on prevention of mother-to-child transmission of the HIV infection.
7654.	Pilot program of assistance for children and families affected by HIV/AIDS.
7655.	Pilot program on family survival partnerships.

SUBCHAPTER IV—AUTHORIZATION OF APPROPRIATIONS

7671.	Authorization of appropriations.
7672.	Sense of Congress.
7673.	Allocation of funds.
7674.	Assistance from the United States private sector to prevent and reduce HIV/AIDS in sub-Saharan Africa.

SUBCHAPTER V—INTERNATIONAL FINANCIAL INSTITUTIONS

7681.	Report on expansion of debt relief to non-HIPC countries.
7682.	Authorization of appropriations.

§ 7601. Findings

Congress makes the following findings:

(1) During the last 20 years, HIV/AIDS has assumed pandemic proportions, spreading from the most severely affected regions, sub-Saharan Africa and the Caribbean, to all corners of the world, and leaving an unprecedented path of death and devastation.

(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), more than 65,000,000 individuals worldwide have been infected with HIV since the epidemic began, more than 25,000,000 of these individuals have lost their lives to the disease, and more than 14,000,000 children have been orphaned by the disease. HIV/AIDS is the fourth-highest cause of death in the world.

(3)(A) At the end of 2002, an estimated 42,000,000 individuals were infected with HIV or living with AIDS, of which more than 75 percent live in Africa or the Caribbean. Of these individuals, more than 3,200,000 were children under the age of 15 and more than 19,200,000 were women.

(B) Women are four times more vulnerable to infection than are men and are becoming infected at increasingly high rates, in part because many societies do not provide poor

¹ So in original. No par. (2) has been enacted.